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THE HON. SRI C. SUBRAMANIAM :—" I do not think, Sir, it will be possible for this Government to accept that proposal."

SRI S. C. C. ANTHONY PILLAI :—" Sir, the Uttar Pradesh Government have merged half of the dearness allowance with basic pay. May I know what specific reason there is for this Government to refuse even to consider this suggestion? "

THE HON. SRI C. SUBRAMANIAM :—" Sir, this is not Uttar Pradesh Government. This is Madras Government." (Laughter.)

SRI K. VINAYAKAM :—" Sir, the Hon. the Minister makes it appear that it is not necessary to increase the dearness allowance of the State Government servants on the ground that the cost of living is going down slowly. Even if the case of the N.G.Os. could not be considered, will the Government be pleased to consider the case of at least the lower Grade Government servants in the matter of merging a portion of the dearness allowance with basic pay?

THE HON. SRI C. SUBRAMANIAM :—" Sir, as was pointed out by the hon Member Sri M. Kalyanasundaram, the merger of dearness allowonce with basic pay will only confer some retiring benefits and therefore there is no question of any immediate benefit to the person concerned. After a full consideration of the matter, the Government feel that it is not necessary to increase the retirement benefits at this stage."

SRI A. GOVINDASWAMY NAYAGAR :—" என்.ஜி:ஓ. க்கள் ஒரு தூது கோஷ்டி வந்தார்களே, அவர்களுக்கு சர்க்கார் என்ன பதில் சொல்லியிருக்கிறார்களா ?"

THE HON. SRI C. SUBRAMANIAM :—" பல தூது கோஷ்டிகள் வந்திருக்கின்றன. எந்த தூது கோஷ்டியைப் பற்றி கனம அங்கத்தினர் கேட்கிறார் என்பது தெரியவில்லை."

Assistant Secretary to the Legislature Secretariat.

* 1495 Q.—SRI M. KALYANASUNDARAM :—" Sir, before the Hon. Minister answers this question, I want to raise a point of order seeking clarification on certain points. This question is to be answered by the Hon. the Minister for Finance and Education. He makes the Demand for the Legislature and has financial control over it and perhaps he may be answering it. I am not objecting to that, but I want to know the constitutional position."

THE HON. SRI C. SUBRAMANIAM :—" I am in charge of the Legislature."

SRI M. KALYANASUNDARAM :—" Sir, I am of the opinion that the staff employed in the office of the Legislature Secretariat are placed on a different footing from those working in other Departments of the Secretariat. That is why there is a special provision in the Constitution. Article 187 (1), (2) and (3) provides for the method of recruitment and service conditions of the staff employed in the Legislature Secretariat. The Legislature is empowered to

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make special laws for regulating the recruitment and the conditions of service of persons appointed to the Secretarial staff of both the Houses. But, so far as our Legislature is concerned, we have not yet made such a law. There is also an interim provision under Article 187 (3), which says—

> 'Until provision is made by the Legislature of the State under clause (2), the Governor may, after consultation with the Speaker of the Legislative Assembly or the Chairman of the Legislative Council, as the case may be, make rules regulating the recruitment, and the conditions of service of persons appointed to the secretarial staff of the Assembly or the Council, and any rules so made shall have effect subject to the provisions of any law made under the said clause.'

This clearly shows that the Governor makes the Rules in consultation with the Speaker or the Chairman, as the case may be. Of course, it may be argued that the Governor acts on the advice of the Council of Ministers. Article 163 (1) says that there shall be a Council of Ministers with the Chief Minister at the head to aid and advise the Governor in the exercise of his functions, in so far as he is by or under this Constitution required to exercise his functions or any of them in his discretion. This clearly shows that where a specific provision is made that the Governor should act in consultation with the Speaker or the Chairman, as the case may be, he is not free to consult or act on the advice of the Council of Ministers. May I therefore submit—I request that the Hon. the Leader of the House should not misunderstand me—that this question should be answered by the Speaker, because the Governor cannot be present here? May I also know whether the Hon. Speaker can answer this question?"

MR. SPEAKER :—" This is an important matter and I shall consider it. I must find out what is the position obtaining in England. I will give my reply in a day or two. It is a question worth considering."

SRI M. KALYANASUNDARAM :—" Sir, may I suggest that we shall take up this question afterwards?"

MR. SPEAKER :—" In England the Speaker can answer questions by private notice in his chambers. Anyhow, I shall examine the position."

THE HON. SRI C. SUBRAMANIAM :—" I am not anxious to answer questions. I shall be glad if the Hon. Speaker can relieve me of some of my responsibilities." (Laughter.)

SRI M. KALYANASUNDARAM :—" My purpose in raising this point of order is not to prevent the Hon. the Minister for Finance from answering this question. Nor do I fear that the matter will be prejudiced if the Hon. the Minister for Finance answers it. I only pointed out the Constitutional position." 9-20 a.m.

THE HON SRI C. SUBRAMANIAM :—" With regard to the Constitutional position pointed out by the hon. the Deputy Leader of the Opposition I may tell him that he is absolutely wrong in the interpretation of the Article. Wherever the

word 'Governor' is used, it means 'the Governor acting on the advice of Ministers'. If the Governor is to act in his discretion it should be so mentioned. Here there is no question of the Governor acting in his discretion because it has not been stated so and it only means the Governor acting in consultation with the Hon. the Speaker and the Hon. the Chairman and the Ministers and nothing more than that."

MR. SPEAKER:—"The point is who should answer the question."

THE HON. SRI C. SUBRAMANIAM:—"Even though the Legislature Secretariat may be an important limb of the entire administration still under the Constitution some Minister should be responsible for it and he alone can be responsible to this Assembly and not any outside independent authority."

SRI M. KALYANASUNDARAM:—"I may be permitted to put this question after hearing the Hon. Speaker's ruling."

MR. SPEAKER:—"Then, I shall take up this question to-morrow."

Beating of Harijans in Velukkudi.

* 1372 *Q*.—SRI P. VENKATESHA SHOLAGAR: Will the Hon. the Minister for Finance be pleased to state—

(*a*) whether any complaint has been received by the Government that some of the Harijans in Velukkudi village in Mannargudi taluk of Tanjore district were beaten and severely injured and admitted in the hospital on 17th February 1955;

(*b*) whether it is a fact that their properties are being looted;

(*c*) who is responsible for looting the properties; and

(*d*) if so, what action the Government have taken or propose to take to prevent such lawlessness?

THE HON. SRI C. SUBRAMANIAM:—"(*a*) The Government have not received any such complaint; but it has been ascertained that a case of rioting between two parties occurred at Velukkudi village on 17th February 1955 and that five Harijans were injured. The matter is reported to be *sub judice*. Hence no further information can be given.

"(*b*) The answer is in the negative.

"(*c*) & (*d*) Do not arise."

SRI P. VENKATESHA SHOLAGAR:—"ஒரு வருஷ காலமாக விவசாயிகள் நியாயமான வாரம், குத்தகை கேட்டார்கள் என்ற ஒரே காரணத்திற்காக அங்கிருக்கும் மிராசுதார்கள் ரௌடிகளை ஏவிவிட்டு சேரியிலுள்ள ஹரிஜன விவசாயிகளை அடித்துப்போட்டிருக்கிறார்கள். இதைப்பற்றி சர்க்காருக்கு 19 மனுக்கள் கொடுக்கப்பட்டிருந்தும் சரியான நடவடிக்கை எடுக்கப்படாததால் சட்டம், அமைதிக்குப் பங்கம் விளைவிக்கக்கூடிய காரியங்கள்